

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Rafael Giron :
Plaintiff, : Case No. 2:06-cv-0987
v. : JUDGE FROST
Nurse Bryant :
Defendant. :

REPORT AND RECOMMENDATION

On June 14, 2007, before plaintiff filed his amended complaint, the defendant filed a motion for judgment on the pleadings. Although the motion sets forth numerous bases for dismissal, it appears primarily to dispute that the complaint alleges deliberate indifference to a serious medical need. The amended complaint specifically alleges that Nurse Bryant was deliberately indifferent to plaintiff's medical condition. She has filed an answer to the amended complaint and has not renewed her motion for judgment on the pleadings. It is therefore recommended that the motion (#24) be denied as moot.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within ten (10) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A judge of this Court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a judge of this Court may accept, reject, or modify, in whole or in part, the findings

or recommendations made herein, may receive further evidence or may recommit this matter to the magistrate judge with instructions. 28 U.S.C. §636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. See Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

/s/ Terence P. Kemp

United States Magistrate Judge